

NATIONAL AQUARIUM IN BALTIMORE.



Pier 3
501 East Pratt Street
Baltimore, Maryland 21202-3194
(410) 576-3800
(410) 576-8238 FAX - Aquarium
(410) 576-8641 FAX - Candler Building Offices

August 16th, 2003

Chief Marine Mammal Conservation Division
Attn: ZMRG
Office of Protected Resources, NMFS
1315 East-West Highway
Silver Spring, MD 20910

Dear Chief,

This letter is to signify the desire by the National Aquarium in Baltimore to respond to the advance notice of proposed rulemaking regarding Authorization for Commercial Fisheries under the Marine Mammal Protection Act of 1972; Zero Mortality Rate Goal (Docket No. 030630163-3163-01, I.D. 052303F). It is recognized that NMFS is considering options for defining the Zero Mortality Rate Goal (ZMRG), which is the requirement for commercial fisheries to reduce incidental mortality and serious injury of marine mammals to insignificant levels approaching zero mortality and serious injury rate as described in the MMPA.

Furthermore, it is recognized that NMFS is required to define ZMRG and has proposed three options for determining an aspect of implementation of the ZMRG as defined in the table provided entitled "Options for the Insignificance Threshold". It is my opinion of that "Option 3, 0.1 percent N_{min}^1 (Cetaceans); 0.3 percent N_{min}^1 (Pinnipeds)" where mortality and serious injury is less than 0.1 percent of the minimum population estimate of a stock of cetaceans and 0.3 percent of a stock of pinnipeds is an acceptable level by which cetacean and pinniped species should be managed. This is consistent with the established standard for the ETP dolphin *Tins*, which is defined by Congress.

Mortality levels of less than 0.1 percent have a "negligible impact on dolphin populations and meet the MMPA's ZMRG" according to researchers at the Ocean Conservancy as stated from the transcript of the Hearing Before the Subcommittee on Oceans and Fisheries of the Committee on Commerce, Science, and Transportation United States Senate, One Hundred Fifth Congress, First Session, May 14th, 1997

Thank you for the opportunity to comment on this important issue.

David Schofield
Manager of Ocean Health Programs
National Aquarium in Baltimore